

REMARKS

Applicants have carefully reviewed and considered the Examiner's Action mailed September 14, 2004. Reconsideration is respectfully requested in view of the foregoing amendments and the comments set forth below.

By this Amendment, claims 1, 3, 5, 7-8 and 10 are amended and claim 15 is cancelled. In addition, new claim 16 directed to the subject matter of claim 15 is presented. Accordingly, claims 1-14 and 16 are pending in the present application.

Claims 1-15 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Nos. 4,452,255 to Brand or 4,484,591 to Wahle, et al (hereinafter referred to as "Wahle") as explained in paragraph 1 of the Action. This rejection is respectfully traversed.

As explained in the Background of the Invention of the present application, known cigarette production machines employ suction air to hold cigarettes in a single-layer row on a surface of a conveying drum. In order to transfer a cigarette from one drum to another drum, known cigarette production machines interrupt the holding air supplied to the first, releasing conveyor in a transition region while the holding air for the second, receiving conveyor is turned on. U.S. Patent 4,452,255 to Brand is discussed in paragraph 0007 on page five of the present application. According to Brand, the transfer of cigarettes from one drum to a following drum occurs when a holding vacuum on the first drum is turned off (page 5, paragraph 0007, lines 1-5 of the present application and column 12, lines 31-35 of Brand). If a defective cigarette or sample cigarette is to remain on the first drum, compressed air is blown from an oncoming flute (36) to a flute (25) holding the defective cigarette. At the same time, compressed air is supplied by the same compressed-air source to an injector, which creates a vacuum pressure in the flute (25) of the first drum, so that the cigarette remains inside the flute (25) during the continued

conveying. See column 12, lines 41-67 of Brand. This is not Applicants' claimed invention.

Claim 1 of the present application recites a method for conveying rod-shaped articles which includes holding the articles on a conveying drum with the aid of a holding vacuum, transferring the respective articles in a transfer region from the conveying drum to a removal drum, including compensating the holding vacuum at the conveying drum for removal of the article from the conveying drum and supplying a holding vacuum to the removal drum. Brand teaches turning off the holding vacuum on the first drum when a cigarette is to be transferred from a first drum to a second drum. Applicants' claimed invention **compensates the holding vacuum** instead of stopping the holding vacuum as disclosed by Brand. Thus, the claimed invention does not interrupt or stop the holding vacuum when an article is to be transferred contrary to the teachings of Brand. Accordingly, Brand cannot anticipate claims 1-14 and 16 because Brand fails to transfer the articles as required by Applicants' claim 1.

U.S. Patent No. 4,484,591 to Wahle is directed to a method of testing and classifying cigarettes which employs suction to hold cigarettes to a conveying drum and compressed air to transfer the same. Wahle discloses connecting conduit 103a with the source 137 of compressed air in order to transfer the arriving defective cigarette Z2 from the respective flute 97 into the oncoming flute 111 of the rotor 107. That is, Wahle applies compressed air 137 to push the defective cigarette out of flute 97 into the incoming flute 133 of the following drum. Similarly, when a satisfactory cigarette Z2 is in the process of moving through the transfer section of the two drums, Wahle teaches that ports 112 of the defective cigarette removal drum 104 discharges compressed air while port or ports 98 which communicate with the compartment 102 draw air (suction) from the respective flutes 97 to insure that the satisfactory cigarette remains in flute 97 and advances in the original conveying drum. See column 17, lines 9-61 of Wahle. Nowhere

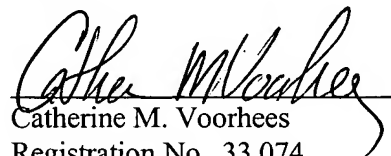
does Wahle disclose compensating the holding vacuum at the conveying drum in order to remove an article from the conveying drum, as recited in Applicants' claim 1. In addition, nowhere does Wahle disclose stopping the holding vacuum at the removal drum if no articles are to remove as recited in Applicants' claim 2. Instead, Wahle discloses discharging compressed air and suction when no cigarette is to be removed. Accordingly, Wahle cannot anticipate claims 1-14 and 16 of Applicants' claimed invention as it fails to disclose each and every feature of the claimed invention.

In view of the foregoing amendments and the comments distinguishing the claimed invention from the prior art of record, it is believed that claims 1-14 and 16 are allowable over the prior art of record. Since, the prior art of record does not teach compensating a permanently applied holding vacuum at the conveying drum in order to remove rod articles from the conveying drum to a second removal drum, neither Brand nor Wahle anticipates the claimed invention. Accordingly, it is respectfully requested that the rejections of record be withdrawn and that a Notice of Allowance be issued indicating that claims 1-14 and 16 are allowed over the prior art of record.

Should the Examiner believe that conference would advance the prosecution of this application, the Examiner is encouraged to telephone the undersigned counsel to arrange such a conference.

Respectfully submitted,

Date: December 14, 2004


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